

Attorney Docket No. P65588US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Makoto HIRATA et al.

Application No.: Continuation of 09/581,086

Filed: Herewith

For PROCESS FOR PRODUCING BUTANETRIOL DERIVATIVE

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CORRECTION IN SPELLING OF INVENTOR'S  
NAME UNDER MPEP 605.04(b)**

Sir:

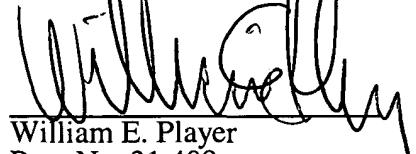
A typographical error appears in the declaration of inventorship filed in parent application no. 09/581,086, a copy of which is submitted with the continuation application filed, herewith. The first inventor's given name is misspelled "Makato." The correct spelling of the given name is --Makoto--. Thus, the first inventor's name correctly spelled is Makoto HIRATA.

This spelling error was corrected on the record of the parent application pursuant to Decision On Petition Under 37 CFR 1.181, mailed February 28, 2002, a copy of which is attached hereto.

Favorable action is requested.

Respectfully submitted,

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Date: July 28, 2003

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UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of  
Hirata et al  
Application No.: 09/581,086  
PCT No.: PCT/JP99/00355  
Int. Filing Date: 28 January 1999  
Priority Date: 30 January 1998  
Attorney Docket No.: P65588USO  
For: Process for Producing Butanetriol  
Derivative

**COPY** DECISION ON  
PETITION UNDER 37 CFR 1.181

This is a decision on the "RESPONSE" filed 17 April 2001 in the above-captioned application. Applicants request reconsideration of the Decision mailed 02 April 2001 in which the acceptance of the correction of the name of inventor Hirata is held in abeyance pending the filing of a declaration of the inventors.

Applicant's communication filed 17 April 2001 is being treated as a petition under 37 CFR 1.181 for acceptance of a copy of the Declaration of the inventors submitted with the petition as being filed 09 June 2000 and for acceptance of the request for correction of the first name of inventor Hirata.

The petition is **GRANTED** as follows:

The evidence submitted by applicants, which includes a copy of the declaration and a copy of the postcard receipt with a PTO mailroom stamped dated of 09 June 2000 itemizing all the papers submitted on filing in the above-captioned application, is sufficient to establish that the declaration for applicants HIRATA et al bearing docket number P65588USO was submitted on 09 June 2000. With the acceptance of the declaration, the request for correction of the name of inventor HIRATA is hereby granted.

The name of the first inventor listed on the published international application is "Makoto HIRATA" whereas the declaration filed 09 June 2000 lists the name as "Makato

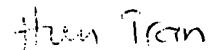
HIRATA". Applicants indicate that a "typographical error appears in the Declaration ..." and that the first inventor's given name should be as it appears in the PCT cover sheet..., i.e. Makoto Hirata. As indicated in MPEP 605.04(b), no petition is required to correct a typographical or transliteration error in the spelling of an inventor's name. The error is noted and the declaration is accepted as complying with the requirements of 37 CFR 1.497 (a)-(b).

The application is being returned to the National Stage Processing Division for processing in accordance with this decision, that is, for entry of the Declaration filed 17 April 2001 as being filed originally on 09 June 2000 and for issuance of a "Notice of Acceptance" (Form PCT/DO/EO/903) indicating a date under 35 USC 371(c) of 09 June 2000.



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